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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00373 RMW
)	
Plaintiff,)	STIPULATION AND []
)	ORDER TO CONTINUE STATUS
v.)	HEARING AND TO EXCLUDE TIME
)	FROM APRIL 7, 2008 to MAY 5, 2008
NED ROSCOE, and)	FROM THE SPEEDY TRIAL ACT
JOHN ROSCOE,)	CALCULATION (18 U.S.C. §
)	3161(h)(8)(A),(B))
Defendants.)	

On April 7, 2008, the parties appeared for a hearing before the Court for a status hearing. At that time, the Court granted the motion of counsel for defendant Ned Roscoe to be removed from the case due to a conflict of interest, and appointed Mark Eibert, Esq., as new counsel. Based upon the request of the parties, the Court set the matter for a status hearing on May 5, 2008 to allow for newly appointed counsel's preparation and review of the discovery in this case. The government and counsel for both defendants thus stipulated to an exclusion of time under the Speedy Trial Act to allow counsel reasonable time for effective preparation.

The United States hereby submits this written request for an order finding that said time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served

1 by taking such action and outweigh the best interests of the public and defendants in a speedy
2 trial. 18 U.S.C. § 3161(h)(8)(A). Further, the failure to grant such a continuance would
3 unreasonably deny counsel for defendant Ned Roscoe the reasonable time necessary for effective
4 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

5
6 DATED: April 8, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

7
8 _____/s/_____
EUMI L. CHOI
9 Assistant United States Attorney

10 _____/s/_____
11 MARK EIBERT
12 Attorney for Defendant Ned Roscoe

13 _____/s/_____
14 PETER LEEMING
15 Attorney for Defendant John Roscoe

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between April 7, 2008 and May 5, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Further, the failure to grant such a continuance would unreasonably deny counsel for defendants and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 4/17/08



RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE